

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
FILE NO. 5:08-cv-00403-FL

SMD SOFTWARE, INC., et al. :
Plaintiffs : **ORDER REGARDING CONSENTED-TO
MOTION FOR LEAVE FILE EXHIBITS
TO PLAINTIFFS' MOTION TO EXCLUDE,
IN PART, SUPPLEMENTAL REPORT AND
OPINIONS OF CARSON BAYS UNDER SEAL**
v. :
EMOVE, INC., et al. :
Defendants. :

Plaintiffs' Consented-to Motion for Leave to File Exhibits to Plaintiffs' Motion to Exclude, in part, Supplemental Report and Opinions of Carson Bays Under Seal is GRANTED and the following are filed redacted of record and unredacted under seal:

1. Plaintiffs' Memorandum in Support of Motion to Exclude, in part, Supplemental Report and Opinions of Carson Bays and Exhibits 1 and 2 thereto.

The Court further finds:

1. That the quality of the material at issue (non-public financial and customer loyalty information) and its lack of relevance to the motion to exclude justify sealing the exhibits identified above, despite the balance of competing interests in access to public records;

2. That the parties' interests in maintaining the confidentiality of their non-public financial, and customer loyalty, information override any constitutional or common law right of public access which may attach to the information; and

3. That there is no adequate alternative to sealing these exhibits.

SO ORDERED, this the 18th day of November, 2013.



LOUISE W. FLANAGAN
United States District Judge